

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

Isacco Jacky Saada,

Petitioner,

v.

18-CV-5292 (AMD) (RML)

Narkis Aliza Golan,

Respondent.

**MEMORANDUM OF LAW IN REPLY TO PETITIONER'S "PARTIAL
OPPOSITION" TO MORIN GOLAN'S MOTION TO INTERVENE**

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**PETITIONER'S "PARTIAL OPPOSITION"
IS UNTIMELY AND ULTIMATELY MISPLACED**

Petitioner Jacky Saada's "partial opposition" to Ms. Morin Golan's motion to intervene is untimely. Ms. Morin Golan moved on November 16, 2022. Prior to doing so, Mr. Saada's counsel *consented to the intervention* on his behalf. On top of that, pursuant to Local Civil Rule 6.1(b), Mr. Saada's last day to oppose Ms. Golan's motion was November 30, 2022. Mr. Saada's December 14, 2022 filing thus is well out of time.

Even more, Mr. Saada doesn't actually oppose Ms. Morin Golan's motion to intervene. Rather, he opposes a "new evidentiary hearing," which is a separate issue from Ms. Golan's intervention. Accordingly, ***Ms. Golan's (unopposed) motion to intervene should be granted in all respects.***

Ms. Golan will address Mr. Saada's other procedural machinations in her opposition to his motion to replace or add Ms. Golan as a party (Dkt. No. 178 (Pet'r's Mot. to Replace/Add)). At bottom, however, such gamesmanship cannot avoid two irrefutable facts. First, if Mr. Saada intends to seek a judgment against Ms. Morin Golan, he needs to bring a claim against her. And second, the circumstances of this case have changed dramatically since this Court's return order due to the unexpected death of the sole named respondent, Ms. Narkis Golan.¹ The United States Court of Appeals for the Second Circuit recognized this when directing this Court on remand to "address the Hague Convention petition *in light of the changed circumstances.*" (Dkt. No. 170 (Second Circuit Remand Order), at 1 (emphasis added).)

¹ Ms. Golan already addressed the need for new evidence in this matter in her letter to the Court dated December 6, 2022 (Dkt. No. 177, at 2-7).

Mr. Saada long has known the orderly way to proceed from here. Indeed, he correctly asserted in his recent motion before the Second Circuit that he would need to bring a petition against Ms. Morin Golan. (*See* Dkt. No. 172, Ex. D (Pet'r's Mot. in Second Circuit to Dismiss Appeal and Direct Judgment) at ¶ 29.) Once he does this, additional investigation will be necessary to assess the grave risk of harm and intolerable circumstances facing B.A.S. at this time.

Dated: December 21, 2022
New York, New York

Respectfully submitted,

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